

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:14-00015

KEITH JOSEPH ALFRED

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the trial and related dates in this matter. (Doc. No. 24). In support of defendant's motion, counsel for the defendant states that he "needs additional time to finish reviewing/verifying discovery and completing related field investigation regarding case evidence." Defendant requests a continuance of thirty days.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and GRANTS defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant the continuance would deny counsel for the defendant the reasonable time necessary to effectively prepare for trial, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until January 12, 2016, at 9:30 a.m., in Bluefield;
2. All pretrial motions are to be filed by December 28, 2015;

3. A pretrial motions hearing is scheduled for January 4, 2016, at 10:30 a.m., in Bluefield;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of defendant's motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia and the Probation Office of this court.

IT IS SO ORDERED this 9th day of November, 2015.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge